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Attorney Docket No.: 38413.7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
Tsukasa YAMAJOTO, et al.

Serial No.: 09/221,656

Group Art Unit: 2761

Filed: December 23, 1998

Examiner: F. Poinvil

For: A PRODUCTION SYSTEM FOR RETAIL GOODS AND A RAW MATERIAL ORDERING SYSTEM

Honorable Assistant Commissioner of Patents
and Trademarks
Washington, D.C. 20231

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER COMMONLY OWNED PATENT**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The owner, **KANEBO, LTD.**, of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of commonly owned **U.S. Patent No. 5,854,746**. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors

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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on commonly owned **U.S. Patent No. 5,854,746**, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent; expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

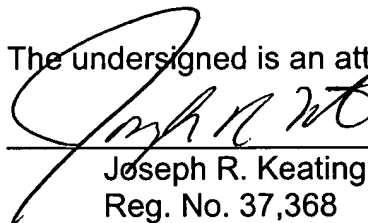
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Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.



Joseph R. Keating
Reg. No. 37,368

9-21-1999
Date

- ☒ The Patent Office is hereby expressly authorized and requested to charge the fee for the under 37 CFR 1.20(d) to our Deposit Account No. 07-1853.

Respectfully submitted,



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Date: September 16, 1999

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